

1-1 By: Hughes S.B. No. 1356  
1-2 (In the Senate - Filed March 10, 2021; March 18, 2021, read  
1-3 first time and referred to Committee on Education; April 19, 2021,  
1-4 reported adversely, with favorable Committee Substitute by the  
1-5 following vote: Yeas 11, Nays 0; April 19, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 COMMITTEE SUBSTITUTE FOR S.B. No. 1356 By: Hughes

1-20 A BILL TO BE ENTITLED  
1-21 AN ACT

1-22 relating to the participation by members of nonprofit teacher  
1-23 organizations in a tutoring program for public school students and  
1-24 related retirement benefits for certain tutors participating in the  
1-25 program.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Section 22.092(d), Education Code, is amended to  
1-28 read as follows:

1-29 (d) The agency shall provide [~~private schools and public~~  
1-30 ~~schools~~] equivalent access to the registry maintained under this  
1-31 section to:

- 1-32 (1) private schools;
- 1-33 (2) public schools; and
- 1-34 (3) nonprofit teacher organizations approved by the  
1-35 commissioner for the purpose of participating in the tutoring  
1-36 program established under Section 33.913.

1-37 SECTION 2. Subchapter Z, Chapter 33, Education Code, is  
1-38 amended by adding Section 33.913 to read as follows:

1-39 Sec. 33.913. TUTORING PROGRAM. (a) A member of a nonprofit  
1-40 teacher organization may participate in a tutoring program in  
1-41 accordance with this section to provide supplemental instruction to  
1-42 students in kindergarten through grade 12 on an individualized or  
1-43 small-group basis.

1-44 (b) To participate in the program as a tutor, a person must:

- 1-45 (1) be an active or retired teacher;
- 1-46 (2) apply for the position in a manner specified by the  
1-47 nonprofit organization;

1-48 (3) designate in the application whether the person  
1-49 plans to provide tutoring:

1-50 (A) for compensation, on a volunteer basis, or  
1-51 both; and

1-52 (B) in-person, online, or both; and

1-53 (4) not be included in the registry of persons not  
1-54 eligible for employment by a public school under Section 22.092.

1-55 (c) Each school district superintendent or the person  
1-56 designated by the superintendent shall oversee the tutoring program  
1-57 within the district.

1-58 (d) A school district may use any available state or federal  
1-59 funds to provide compensation to a person participating in the  
1-60 program as a tutor who is providing tutoring for compensation under

2-1 the program.

2-2 (e) If an active or retired teacher who has been approved  
2-3 for participation in the tutoring program contacts a school  
2-4 district to provide tutoring to students in the district, the  
2-5 district shall:

2-6 (1) if the teacher is providing tutoring services on a  
2-7 volunteer basis, use the volunteer tutoring services provided by  
2-8 the teacher; or

2-9 (2) if the district has state or federal funds for  
2-10 purposes of the tutoring program and the teacher is providing  
2-11 tutoring services for compensation, employ the teacher as a tutor.

2-12 (f) At least quarterly, each nonprofit organization  
2-13 participating in the tutoring program shall provide to the  
2-14 organization's members:

2-15 (1) a description of the tutoring program and guidance  
2-16 on how to participate in the program; and

2-17 (2) the contact information of each person described  
2-18 by Subsection (c) for the school district in which the member  
2-19 resides and any adjacent districts.

2-20 SECTION 3. Section 824.602(a), Government Code, is amended  
2-21 to read as follows:

2-22 (a) Subject to Section 825.506, the retirement system may  
2-23 not, under Section 824.601, withhold a monthly benefit payment if  
2-24 the retiree is employed in a Texas public educational institution:

2-25 (1) as a substitute only with pay not more than the  
2-26 daily rate of substitute pay established by the employer and, if the  
2-27 retiree is a disability retiree, the employment has not exceeded a  
2-28 total of 90 days in the school year;

2-29 (2) in a position, other than as a substitute, on no  
2-30 more than a one-half time basis for the month;

2-31 (3) in one or more positions on as much as a full-time  
2-32 basis, if the retiree has been separated from service with all Texas  
2-33 public educational institutions for at least 12 full consecutive  
2-34 months after the retiree's effective date of retirement; ~~or~~

2-35 (4) in a position, other than as a substitute, on no  
2-36 more than a one-half time basis for no more than 90 days in the  
2-37 school year, if the retiree is a disability retiree; or

2-38 (5) as a tutor under Section 33.913, Education Code.

2-39 SECTION 4. Subchapter G, Chapter 825, Government Code, is  
2-40 amended by adding Section 825.604 to read as follows:

2-41 Sec. 825.604. INFORMATION PROVIDED TO MEMBERS. The  
2-42 retirement system shall regularly provide information in an  
2-43 electronic format to members and retirees regarding the tutoring  
2-44 program established under Section 33.913, Education Code, that  
2-45 includes:

2-46 (1) general information regarding the tutoring  
2-47 program; and

2-48 (2) a statement directing members and retirees who  
2-49 want to participate in the tutoring program to contact their local  
2-50 school districts for further guidance.

2-51 SECTION 5. (a) Subject to Subsection (b) of this section,  
2-52 the changes in law made by this Act apply to a retiree of the Teacher  
2-53 Retirement System of Texas regardless of whether the person retired  
2-54 from employment before, on, or after the effective date of this Act.

2-55 (b) Section 824.602(a), Government Code, as amended by this  
2-56 Act, applies only to the employment of a retiree of the Teacher  
2-57 Retirement System of Texas that occurs on or after the effective  
2-58 date of this Act.

2-59 SECTION 6. This Act applies beginning with the 2021-2022  
2-60 school year.

2-61 SECTION 7. This Act takes effect immediately if it receives  
2-62 a vote of two-thirds of all the members elected to each house, as  
2-63 provided by Section 39, Article III, Texas Constitution. If this  
2-64 Act does not receive the vote necessary for immediate effect, this  
2-65 Act takes effect September 1, 2021.

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